

COUNCIL PROCEEDINGS

Page 401

JOURNAL 167

JANUARY 5, 1999

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 5, 1999
Tuesday, 9:02 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Lambke, Rogers; present. *Council Members Ferris, Gale, Kamen, absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

*Council Member Gale present.

The invocation was given by Gary Craig, President of the West Side Wichita Stake Church of Jesus Christ of Latter Day Saints.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of December 22, 1998, were approved 5 to 0. (Council Members Ferris, Kamen; absent)

AWARDS AND PRESENTATIONS

Proclamations

Mayor Knight presented the Proclamations that were preciously approved.

UNFINISHED BUSINESS

FLOOD MITIGATION

STATE OF KANSAS - F.E.M.A. FLOOD MITIGATION PRE-APPLICATIONS.
Continued from December 8, 1998.

*Council Member Ferris present.

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 99-001.

The Federal Emergency Management Agency (F.E.M.A.) has made available to the State of Kansas funds to mitigate flood damages. This action is the result of two recent Presidential disaster declarations, one of which includes Sedgwick County. The amount of money available to the State (now estimated to be somewhere between three to five million dollars) will be 15% of the damages paid by F.E.M.A. for individual and public assistance. Any federal funds awarded must be matched by 25% non-federal funds. All public entities within the State may apply for projects under this program, which will be administered by the Kansas Office of Emergency Management.

Applications will be prioritized by State established priorities. The priorities are: the purchase of flood structures; the protection of critical facilities; and the construction of small projects that would protect major areas from flooding. Pre-applications for this program must be submitted on or before January 8, 1999. The State is encouraging local governments to apply for any project that is eligible regardless of the priority. If an application is rejected, F.E.M.A. and the State will work together to determine whether or not another funding source might be available.

Non-federal match funding does not have to be paid by the local sponsoring government; private funds can be used which could include property owner participation amid other private sources. The State of Kansas could also make funds available to match the F.E.M.A. funds.

COUNCIL PROCEEDINGS

JOURNAL 167

JANUARY 5, 1999

Pre-applications have been prepared for the following projects:

Project	Total Estimated Cost	Non-Federal Match Required
1. Acquisition of properties damaged beyond 50% of value	\$800,000	\$200,000
2. Flood hazard mitigation study	\$16,500	\$4,125
3. Flood warning system	\$66,000	\$16,500
4. Sanitary Sewer Back-Flow Prevention Devices	\$855,000	\$213,750

An application could be prepared for the acquisition of other properties within the floodway, if desired. The cost of these 15 properties could approximate \$2.6 million inclusive of relocation, closing and demolition costs.

The required non-federal matches for these projects are shown in the table above. As the selection process evolves at the State level, it is possible that the State of Kansas could make money available for all or some portion of the non-federal match. For the property acquisitions and the back-flow prevention devices, it is reasonable to require property owner participation. For pre-applications not accepted, the State and F.E.M.A. will work with local governments in an attempt to find alternate funding sources for all or a part of the cost. At this time, it is not necessary for the City Council to determine the exact source of non-federal funding that may eventually be needed for the match.

The City and Sedgwick County are working together on a maintenance plan to benefit residents in the area. This would also be F.E.M.A. refundable expense.

*Council Member Kamen present.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Wayne Jones

Wayne Jones, 661 Wetmore, said there is no way the houses along the Calfskin, from 661 through 597 Wetmore, could ever be made secure from flooding. These houses should be bought out.

Clark Owens

Clark Owens, the Dell, said he had 5.5 feet of water in his walk-out basement but he does not want his house to be bought. Some of his neighbors houses need to be bought.

An early warning system is imperative. Mr. Owens said his wife, calling on a cellular phone, was the early warning system. No advice was received from 9-1-1.

Mr. Owens said his main self-interest is what studies will show to help prevent flooding in the future.

Bob Redmond

Bob Redmond, 638 Wetmore, said the City should be responsible for how an area grows. The flooding will happen again.

Mr. Redmond said the F.E.M.A. District Director told him that Johnson County has funded flood management and F.E.M.A. is more willing to help Johnson County because steps have been taken.

Council Member Ferris

Council Member Ferris said the City's first priority should be to acquire damaged property. The second and third priorities should be the warning system and the mitigation study.

Council Member Ferris said he has mixed feelings about the sewer and back-up flow devices. The homes will flood again because they are built in the floodway.

The City should put the 15 properties ahead of back-up flow prevention devices in the list of priorities. The properties should not have to sell to the City but the opportunity should be offered. Unless the entire neighborhood is involved, the devices could cause back-up to unprotected properties.

Motion --

Ferris moved that, with the following priorities: 1) acquisition of properties damaged beyond 50 percent of value; 2) flood warning system; 3) Acquisition of other properties (15) within the floodway, if property owners desire; 4) flood hazard mitigation study; and 5) sanitary sewer back-flow prevention devices, the pre-applications be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

-- carried

COUNCIL PROCEEDINGS

JOURNAL 167

JANUARY 5, 1999

NEW BUSINESS

ZIMMERLY AND DALTON GATE

REQUEST TO REMOVE THE GATE AT ZIMMERLY AND DALTON. (District II)

Randall Hoskins

Traffic Engineer reviewed the Item.

Agenda Report No. 99-002.

Zimmerly was originally closed (east of Dalton) in November of 1978. The closure followed a 4-0 approval by the City Council. At that time, Zimmerly was only built half-width west of Dalton, which in part, necessitated the closure as the Quail Meadows subdivision was constructed.

In June, 1985, the City Council voted to support the temporary reopening of Zimmerly during the reconstruction of Harry. The Traffic Commission recommended at that time to keep it closed; it was not reopened during the construction.

A request has been made to remove the gate and open the street to traffic. With additional accesses out of the neighborhood and construction of Zimmerly to full width, residents feel that this roadway can be safely reopened. It was also noted that with the growth of Wichita, traffic in this area would now seek alternative routes in more directions, rather than going to the more limited shopping and entertainment opportunities that existed at the time of the closure.

CPO #2 held a public meeting on this subject on November 23, 1998. A large number of residents attended for both sides of the issue: to open and to remain closed. The CPO Council concluded by voting 5-3 to leave the gate closed until more traffic information was made available.

The Traffic Commission held a public hearing on this item on December 16, 1998. Testimony and two petitions were received by the Traffic Commission. The petition favoring removal of the gate contained 123 signatures, while the petition to keep the gate had 45 signatures. The Traffic Commission's discussions centered on public streets being for public use and the fact that there was no evidence that the road would be used by motorists from outside the neighborhood. The Traffic Commission voted 6-0 in favor of removing the gate.

The street is already in place and normal maintenance has been occurring. Removal of the gate and signs will result in minimal costs.

Motion --

Kamen moved that the gate be opened for one-year; that Staff do periodic traffic counts and track accident reports; at the end of one year, the Item be returned to the CPO and Traffic Commission and then be returned to the City Council for a decision on whether the gate should remain open or be closed. Motion carried 7 to 0.

-- carried

IRB-QUARTERS AT CAMBRIDGE

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS - THE QUARTERS AT CAMBRIDGE, L.P. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-003.

The Quarters At Cambridge, L.P. is a Wichita based limited partnership with partners being Fred L. Hanley and Santo M. Cantanese. The Quarters At Cambridge, L.P. is requesting a Letter of Intent for the issuance of Industrial Revenue Bonds in the amount of \$13,095,000 for acquisition, construction, and equipping a 194-unit luxury apartment complex located on 21st Street, east of Webb Road.

The proposed apartment project will have 194 units, consisting of eight different floor plans ranging from 844 square feet for a one-bedroom unit to 1,370 square feet for three-bedroom, 2-3/4 bath townhouses with garage. The facility will also have a clubhouse and gated access. The Quarters at Cambridge is considered a luxury apartment complex designed to serve persons seeking larger and more luxurious rental housing. The project is also designed to serve companies with temporary housing needs for transitional or new employees.

The new 194-unit apartment complex will be leased to The Quarters At Cambridge, L.P. Positions for property manager, assistant manager, leasing personnel, property maintenance manager, assistant maintenance manager and other staff will be made available to local applicants. Certain subcontractor needs such as heating and air service, carpet cleaning, painting, and landscape maintenance and other various maintenance needs will also be contracted locally.

The industrial revenue bonds will be privately placed with a financial institution and not reoffered for sale to the public. The Department of Housing and Urban Development

COUNCIL PROCEEDINGS

JOURNAL 167

JANUARY 5, 1999

(HUD) will guarantee the bonds. The firm of Hinkle, Eberhart and Elkouri, L.L.C. will serve as bond counsel in the transaction.

An analysis of the uses of project funds is:

USES OF FUNDS

* Land	\$1,400,000
* Structures	10,095,000
* Architectural and Engineering Fees	400,000
* Financing and Legal	500,000
* Off-site related improvements	700,000

Total Cost of Project: \$13,095,000

The Quarters At Cambridge agrees to maintain a current EEO/AA Plan on file with the City, and to comply with all Letter of Intent conditions contained in the City's IRB Policy. The general contractor for the project is Fall River Construction from Branson, Missouri, which is a limited partner in the Quarters at Cambridge, L.P. and is itself part owned by Santo M. Catanese. Subcontractors have been solicited by notices published in the Dodge Reports.

The Quarters At Cambridge agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The Quarters At Cambridge is not requesting a property tax exemption in connection with issuance of IRBs. A sales tax exemption is available as a result of IRB financing. The Quarters At Cambridge will make a contribution to the City in the amount of \$100,000 for use in a public improvement project to be designated by the City Council.

Council Member Cole

Council Member Cole said the spirit of the community is not enhanced by gated communities and, for that reason, she would not be able to support this request.

Council Member Rogers

Council Member Rogers requested consistent feedback to the City Council regarding implementation and to what degree requirements and conditions are met.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Kamen moved that a six-month Letter of Intent to the Quarters at Cambridge, L.P. for bonds in an amount not to exceed \$13,095,000, subject to conditions, be approved.

-- carried

Motion carried 6 to 1. Cole - No.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES.

(This Item was taken up later in the meeting. Action is shown in Agenda order.)

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 99-004.

On November 17, 1998 a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on four (4) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on January 5, 1999.

On November 2, 1998, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

Property Address	Council District
1. 1948-50 N. Erie	1
2. 1952-54 N. Erie	1
3. 1216 N. Fairview	6
4. 301 W. 33rd St. S.	3

Pursuant to State Statute the Resolutions were duly published twice on November 18, and November 25, 1998. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Council Member Kamen momentarily absent.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared on Items three and four.

COUNCIL PROCEEDINGS

JOURNAL 167

JANUARY 5, 1999

1216 West Fairview

Motion --

Cole moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-98-003

A Resolution finding that the structure located on Lots 1169 and 1171 Wichita Street now Fairview, in Lewellen's Second Addition to Wichita, Sedgwick County, Kansas, commonly known as 1216 North Fairview, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

301 West 33rd Street South

Motion --

Lambke moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-004

A Resolution finding that the structure located on Lot 9 in Block 6, Louis Sixth Addition to Wichita, Sedgwick County, Kansas, commonly known as 301 West 33rd Street South, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

1948-50 and 1952-54 North Erie

Ron MaHolmes

Ron MaHolmes said he had a contractor, contract, and materials and the property could be repaired within the next few days.

Motion --

Rogers moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-98-001

A Resolution finding that the structure located on the south 18 feet of Lot 9, and all of Lot 11, Block 2, College Terrace Addition to Wichita, Sedgwick County, Kansas, commonly known as 1948-50 North Erie, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Rogers moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-98-002

A Resolution finding that the structure located on the south 7 feet of Lot 3, all of Lots 5 and 7, and the north 7 feet of Lot 9, Block 2, College Terrace Addition to Wichita, Sedgwick County, Kansas, commonly known as 1952-54 North Erie, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Rogers moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

COUNCIL PROCEEDINGS

JOURNAL 167

JANUARY 5, 1999

NEW HORIZONS

Chris Cherches

NEW HORIZONS RETAIL CENTER CDBG LOAN AGREEMENT. (District I)

City Manager reviewed the Item.

Agenda Report No. 99-005.

On August 18, 1998, the City Council approved a \$200,000 CDBG loan to St. Mark Foundation for the New Horizon Retail Center and authorized staff to negotiate the terms and conditions of the loan. On December 22, 1998, the City Council approved the agreement establishing final loan terms.

On December 22, 1998, the City Council approved a Community Block Development Grant (CDBG) loan to the St. Marks Foundation subject to completion of a 30-day public comment period and a public hearing.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Rogers moved that the public hearing be closed and the Loan Agreement be approved.

-- carried

Motion carried 7 to 0.

OMNISPHERE BUILDING

Chris Cherches

DESIGNATION OF FUTURE USE OF PROPERTY, 220 SOUTH MAIN.

Mayor Knight declared a conflict of interest and left the Bench.

Vice Mayor Gale in the Chair.

City Manager reviewed the Item.

Agenda Report No. 99-006.

City Staff recently initiated a Request for Proposal (RFP) for the use/lease of the City-owned (Omnisphere) building, located at 220 South Main. This facility is currently occupied as the Omnisphere/Science Center. It is expected to be available for a new use in late this year or early 2000, following the completion of Exploration Place.

The Omnisphere building is located in the City's core area and in close proximity to the new Hyatt Hotel, Century II, Boathouse, City Arts, Library and Historic Museum. A 585-space parking garage (former Macy's garage) is immediately east of the building.

The building has two levels: 9,832 square feet above grade, and 4,918 square feet in the basement. It is on the National Register of Historic Places. The facility includes a planetarium, exhibition space, meeting areas, a small office area and a gift area.

The City's Request for Proposal for the use and lease of the property was mailed to over 150 different agencies/organizations and a notice was published in the Wichita Eagle. These efforts generated only one formal response. A letter was received from the Wichita Sedgwick County Historical Museum referencing a proposal submitted in 1991, to use the Omnisphere as an 'annex' to the existing Historical Museum. The proposal estimates renovation costs to be approximately \$1.6 million. This proposal was not considered as a valid response to the RFP since it did not meet specified Purchasing Procedures, or address provisions of the request.

The proposal submitted by the Kansas Aviation Museum was considered responsive and an appropriate future usage for the building. This organization proposes to use the facility as a downtown Museum of Aviation History and an adjunct facility of the existing Kansas Aviation Museum, located at 3350 George Washington Boulevard. A Museum of Aviation History could become a premier educational facility relating to the science, history and development of aviation in the Wichita area. Local aircraft companies and aviation enthusiasts would be encouraged to support this downtown facility by displaying the history and related artifacts associated with their products and collections. Currently, no central repository that chronicles the historical development of aviation exists locally. These archives could be stored and provide a valuable research source to educational institutions along with both youth and adults as they seek to increase their understanding and research of flight, particularly as it relates to the local aviation companies in the Wichita area.

In addition to the proposed education and research focus, this Museum of Aviation History would also be used for aviation related exhibits to give visitors first-hand experience with the science and technology associated with flight and the manufacture of aircraft products. Another concept under exploration is to utilize a portion of the building for an aviation-related magnet school. Additionally, the facility could

COUNCIL PROCEEDINGS

Page 407

JOURNAL 167

JANUARY 5, 1999

provide training and meeting space for off-site seminars for aviation related businesses, organizations and educational institutions. Further usage would be a possible gift shop/refreshment area to serve visitors.

The use of the Omnisphere building for this proposed Museum of Aviation History would meet the goals established for the downtown as a business, cultural, entertainment and recreational center of the region. Having an aviation museum presence in the downtown would add yet another feature to the downtown core area for the enjoyment of residents and an attraction for tourists. It would also serve as an interest point for visitors who may wish to visit the Kansas Aviation Museum facility on George Washington Boulevard. The Kansas Aviation Museum Board is currently working on plans for an annual aviation festival event to celebrate and acknowledge that "Wichita is the Air Capital of the World." Having a downtown facility to highlight this heritage could become a major attraction for the community.

The proposed term of a lease is for an initial five (5) years, with options to renew for extended periods by the City, following the evaluation of support and interest in the community for a downtown Museum of Aviation History. The lease rate, terms and conditions would be negotiated by City Staff and returned to the City Council at a later date for review/approval. The Museum intends to undertake a major capital fund campaign in 1999 to develop a reserve for maintenance of the Omnisphere property and to fund construction of a hanger at the original Wichita Municipal Airport Terminal building.

Council Member Kamen

Council Member Kamen said the lease should be for an amount that would allow for maintenance of the facade and roof. A portion of the building might possibly be used as a magnet school. If it were used for a magnet school, the School District should not spend more on busing but, rather, the students could use the Transit Authority buses and walk the couple of blocks to the building. These matters should be in the lease.

Vice Mayor Gale

Vice Mayor Gale inquired whether anyone wished to be heard.

Carl Chance

Carl Chance, Aviation Museum, said it is vital that a satellite museum be created in the downtown area and urged support for this item.

Support for the Museum will be from the public.

Motion -- carried

Cole moved that Staff be authorized to negotiate the Lease. Motion carried 6 to 0. (Knight absent)

Mayor Knight present and in the Chair.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS (FOR TERMS EXPIRING JUNE 30, 1999):

Commission on the Status of People with Disabilities (3 appointments - Knight, Cole, Lambke)
Convention & Tourism Committee (Ferris)
Human Services Board (Council at large)
Police & Fire Retirement Board of Trustees (Rogers)
Wichita Commission on the Status of Women (3 appointments - Gale, 2-Lambke)
Wichita-Sedgwick County Alcohol and Drug Abuse Advisory Board (Council at large)
Wichita-Sedgwick County Correctional Housing Board (Knight - Municipal Court Probation)

There were no appointments made.

PRO TEM JUDGE

APPOINTMENT OF PRO TEM JUDGES.

Motion --
-- carried

Cole moved that the selection of Rachel Pirner and LaDetra Jones as pro tem judges be approved. Motion carried 7 to 0.

NW SEWER PLAN HEARING

SCHEDULING PUBLIC HEARING ON NORTHWEST SEWER PLAN, JANUARY 19, 1999.

Motion -- carried

Knight moved that the January 19, 1999, schedule be approved. Motion carried 7 to 0.

COUNCIL PROCEEDINGS

JOURNAL 167

JANUARY 5, 1999

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

LICENSE APPLICATIONS

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

Renewal 1999

Ronald H. Groves Groves Party Store 9605 East Kellogg

Motion --
-- carried

Knight moved that the license be approved subject to Staff review and approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renewal 1999 (Consumption on Premises)

Lawrence L. Lao Lotus Garden Restaurant* 2135 West 21st Street

(Consumption off Premises)

Troy L. Wayman Whatta Stop (Wayman Bros. #8) 1203 East Pawnee
Jay A. Johnson Johnson's General Stores #06 1003 South Seneca

New Establishment 1999 (Consumption off Premises)

Lethanh T. Le Le Enterprises, L.L.C. 1336 North Broadway
dba Broadway Supermarket

Jay A. Johnson Johnson's General Stores #39 5400 North Meridian

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECIFICATIONS

SUBDIVISION PLANS AND SPECIFICATIONS:

a. Water distribution system to serve a portion of Rocky Creek Addition and Rocky Creek Second Addition - north of 13th, east of 127th Street East. (448-89336/734855/470-563). Does not affect existing traffic. City Council approval date 12/1/98. (District II)

b. Lateral 96, Sanitary Sewer #23 to serve Harbor Isle Second Addition - east of Meridian, south of 53rd Street North. (468-82847/743542/480445) Does not affect existing traffic. City Council approval date: 5/19/98. (District VI)

Motion --
-- carried

Knight moved that the plans and specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., January 15, 1999. Motion carried 7 to 0.

PRELIMINARY ESTIMATES

PRELIMINARY ESTIMATES:

a. Water Distribution System along Doris between Third & Newell Fruitvale Park Addition - south of Central, east of Hoover. (448-89277/734715) - \$75,000.00

b. Water Distribution System along Doris, Fruitvale Park Addition - south of Central, east of Hoover. (448-89315/734798) - \$15,000.00

c. Water Distribution System along Doris, Fruitvale Park Addition - south of Central, east of Hoover. (448-89326/635565) - \$20,000.00

d. Water Distribution System to serve Balthrop Addition - north of Central, east of Greenwich. (448-89334/734848) - \$88,150.00

e. Lateral 4, Main 18, Southwest Interceptor Sewer to serve Buckhead Third Addition - north of Central, west of 119th Street West. (468-82845/743583) - \$172,000.00

f. 1998 Sanitary Sewer Reconstruction Program, Phase 5 - south of 13th, west of Hillside. (468-82869/620161) - \$122,510.98

COUNCIL PROCEEDINGS

Page 409

JOURNAL 167

JANUARY 5, 1999

- g. Lateral 58, Main 9, Sanitary Sewer #23 to serve Cornejo North Addition - east of Woodlawn, north of 29th Street North. (468-82915/743740) - \$23,075.00
- h. Cardington and Ryan from the east line of Shefford to the south line of 29th Street North; and on Shefford from the south line of Aberdeen Second Addition to the south line of Central Park; on four Cardington Cts adjacent to Lots 5-8 and Lots 10-25, Block 1, and adjacent to Lots 1-9, Block 2; Central Park Ct and Central Park Circle adjacent to Lots 31-50, Block 1, Aberdeen Second Addition - north of 21st, east of 119th St. West. (472-82752/765313) - \$465,000.00
- i. 51st Street South from the WL of Stonebriar Addition, east to the south line of Custer; Custer from the east line of 51st Street South, north to the south line of Lot 3, Block 3; Mt. Carmel from the south line of Lot 36, Block 1, south to the south line of Stonebriar Addition; and Sidewalk along the south side of 51st St. S., the west side Mt Carmel, and the east side of Custer, Stonebriar Addition - west of Meridian, south of 47th Street South. (472-82898/765131) - \$236,320.00
- j. Tennis Courts in Buffalo Park - east of Maize, south of Central. (472-82921/785774) - \$75,000.00
- k. 1998 KLINK (FY 1999) K-2/42 from the Wichita-Valley Center Flood control project to US-54/400 - K-42 & West Street. (706648) - \$325,500.00

Motion --
-- carried

Knight moved that the preliminary estimates be approved and filed. Motion carried 7 to 0.

STATEMENTS OF COST

STATEMENTS OF COST:

- a. Amended First partial estimate of cost for Park Department Facilities Master Plan - \$80,791. Financing to be issued at this time - \$80,791 (04-440-094)
- b. Amended statement of cost for water distribution system to serve an area bounded by (north of 46th Street North, east of the Little Arkansas River) - \$865,769.23 (plus idle fund interest - \$20,124.13, plus temporary note financing - \$19,136.64) Financing issued at this time - \$905,030.00 (448-89216/734194/470797)

Motion --
-- carried

Knight moved that the Statements of Cost be approved and filed. Motion carried 7 to 0.

SANITARY SEWER PETITION

PETITIONS AND CHANGE ORDER FOR SANITARY SEWER TO SERVE PRAIRIE WOODS SECOND ADDITION - NORTH OF PAWNEE, WEST OF MAIZE. (District V)

Agenda Report No. 99-008.

On April 14, 1998, the City Council approved sewer Petitions for Phase I of Prairie Woods Second Addition. A construction contract for a portion of the work was awarded on May 12, 1998. The Developer has requested that the improvement districts for two sanitary sewer projects be modified to shift an area where model homes are being constructed from one project to the other. In addition, the Developer has requested that an existing construction project be expanded to extend sanitary sewer lines to the model home area.

New Petitions have been submitted to reflect the change in improvement districts and reduce the budget of one of the two projects. A Change Order has been prepared that increases the scope of the Contractor's work.

The Change Order amount is \$11,446. The funding source is special assessments.

Motion --
-- carried

Knight moved that the Petitions be approved and the Resolutions be adopted; and the Change Order be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

RESOLUTION NO. R-98-005

Resolution of findings of advisability and Resolution authorizing construction of Lateral 396, Southwest Interceptor Sewer (north of Pawnee, west of Maize) Project No. 468-82821 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-98-006

Resolution of findings of advisability and Resolution authorizing construction of Lateral 397, Southwest Interceptor Sewer (north of Pawnee, west of Maize) Project No. 468-82822 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

COUNCIL PROCEEDINGS

JOURNAL 167

JANUARY 5, 1999

BOARDS MINUTES**MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

CPO Northeast Council 1, 12-14-98
 CPO East Council 2, 12-14-98
 CPO Southeast Council 3, 12-10-98
 CPO Southwest Council 4, 12-10-98
 CPO Northwest Council 5, 12-16-98
 CPO North Central Council 6, 12-16-98
 Group Life Insurance Board of Trustees, 12-15-98
 Sister Cities Advisory Board, 12-4-98
 Wichita Employees' Retirement System, 11-18-98
 Wichita Historic Preservation Board, 11-9-98
 Wichita Airport Authority, 11-16-98
 Wichita-Sedgwick County Board of Health, 12-10-98

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.<<

STREET CLOSURES/USES**CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures/uses considered.

FINANCIAL REPORT**MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDED NOVEMBER 30, 1998.**

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.<<

DESIGN SERVICES AGMT.**DESIGN SERVICES AGREEMENT FOR SIMMONS PARK ADDITION - NORTH OF 55TH STREET SOUTH, EAST OF MERIDIAN.** (District IV)

Agenda Report No. 99-009.

Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in the Simmons Park Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman Company, P.A. because Baughman Company, P.A. provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$65,800, and will be paid by special assessments.

Motion --

-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

DESIGN SERVICES AGMT.**DESIGN SERVICES AGREEMENT FOR ROCKY CREEK ADDITION AND ROCKY CREEK SECOND ADDITION - NORTH OF 13TH STREET, EAST OF 127TH STREET EAST.** (District II)

Agenda Report No. 99-010.

The City Council approved the Rocky Creek Addition & Rocky Creek Second Addition plats on December 15, 1998.

The proposed Agreement between the City and Mid-Kansas Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in the Rocky Creek and Rocky Creek Second Additions. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided preliminary engineering services for the platting of the subdivisions and can expedite plan preparation.

Payment will be on a lump sum basis of \$22,700, and will be paid by special assessments.

Motion --

-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

DESIGN SERVICE CONTRACTS**DESIGN CONTRACTS FOR ARTERIAL CORRIDOR PROGRAM.** (Districts I, III, and VI)

Agenda Report No. 99-011.

On May 19, 1998, the City Council authorized the Staff Screening and Selection Committee to select design engineers for the 1998 Arterial Corridor Program. On November 18, 1998, the Staff Screening and Selection Committee selected consulting

COUNCIL PROCEEDINGS

JOURNAL 167

JANUARY 5, 1999

firms to perform the design engineering for the CIP projects, associated petitioned projects, and incidental water and sewer lines.

Following is the list of projects, the firm selected for each project and the maximum fee allowed by the agreements.

CIP #	LOCATION/DESCRIPTION	CONSULTANT	FEE
MS-208001	13th & Mosley	Municipal Engineers	\$32,700
MS-208001	13th & Broadway	Savoy, Ruggles & Bohm	\$38,400
MS-208001	Pawnee & Washington	Municipal Engineers	\$33,700

The design fees total \$104,800. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to execute. Motion carried 7 to 0.

MID-CONTINENT PROJECT

MID-CONTINENT AIRPORT - SAFETY BUILDING EXPANSION AND REMODEL.

Agenda Report No. 99-012.

The project is Safety Building Expansion and Remodel (A-49) and represents improvements that will be made to Mid-Continent Airport subject to further action and approval by the Authority. The design phase of this project was initiated by the Authority on December 21, 1998. The project utilizes funding from the Federal Aviation Administration and from Passenger Facility Charges. The project has been included in the Capital Improvement Program of the City of Wichita.

The maximum permanent financing term for this project would be 15 years. Passenger Facility Charge (PFC) collections have been approved to ultimately fund the eligible costs of this project, however, interim temporary financing may be needed. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred during the design phase, based on the best present information, is \$56,000.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-007

A Resolution declaring that a public necessity exists for, and that the public safety, service, and welfare will be advanced by, the making of certain capital improvements to the Wichita Mid-continent Airport facility operated by the Wichita Airport Authority of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

SECTION 8 HOUSING VOUCHERS SECTION 8 HOUSING ASSISTANCE VOUCHERS.

Agenda Report No. 99-013.

The Department of Housing and Urban Development has advised the Human Services Department that the owners of Mt. Carmel Apartments have advised HUD that they wish to opt out of their Section 8 Project Based Housing Assistance Payment (HAP) Contract. HUD further indicated that the 33 project based vouchers would be converted to tenant based vouchers and HUD was seeking a Contract Administrator for these vouchers.

The rental vouchers will be funded for one (1) year. The Human Services Department would receive 12 two-bedroom and 21 one-bedroom vouchers which the tenants could use either to continue tenancy at Mt. Carmel Apartments or move to other rental property. Allocations received by an agency through expiring project based contracts will automatically increase the agency's minimum size of its Family Self Sufficiency Program. The minimum size of the Wichita Housing Authority's Family Self Sufficiency (FSS) Program is 269. Acceptance of these vouchers will increase the number to 302.

The Board of Housing Commissioners has reviewed this item and recommends approval.

HUD has indicated that the Contract Authority for this Project will be \$129,909 annually. The Human Services Department/Housing Division will receive approximately \$13,000 annually to administer these 33 vouchers.

COUNCIL PROCEEDINGS

JOURNAL 167

JANUARY 5, 1999

Motion --
-- carried

Knight moved that the acceptance of the vouchers to be administered by the Wichita Housing Authority be approved. Motion carried 7 to 0.

FEDERAL HIGHWAY FUNDS

GRANT APPLICATION FOR FEDERAL HIGHWAY FUNDS.

Agenda Report No. 99-014.

The Transportation Equity Act for the 21st Century (TEA-21) provides for a new grant program to assist State and Metropolitan Planning Organizations (MPO) to plan and build high priority highway corridors across the county. Two of these congressionally-designated highway corridors traverse Kansas and Wichita-Sedgwick County: the East-West Transamerica Corridor (generally following U.S.-54); and the Interstate Route 35 corridor from Mexico to Canada. Congress has approved \$700 million (\$140 million/year) for the five-year grant program. Forty-three corridors are eligible under the program; another component of the grant program is the Coordinated Border Infrastructure Program.

The purpose of the National Corridor Planning and Development Program (NCPD) is to provide allocations to State and MPOs for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or inter-regional trade.

Staff has proposed that a grant application for a Kellogg project be submitted. The specific project proposed is the far eastern three-mile segment of East Kellogg/U.S. 54 (recently approved by the City Council for design). The \$120 million segment includes interchanges at I-35/KTA, Webb Road, Greenwich, and the K-96 freeway.

In addition to the City's application, as described above, the City has also been asked to endorse a similar application for the same funding, by the I-35 Superhighway Coalition. The City has been a member of this coalition for the past six years.

Applications to the Federal Highway Administration (FHWA) will be accepted on an annual basis. This first application is for \$20 million to pay for early right-of-way acquisition and for construction. The application requests \$16 million and, if approved, would require a local match of \$4 million (20%). The City would reapply for \$16 million in 2000, and 2001, and if successful, will be obligated to provide the additional 20% match of \$8 million. In total the City is seeking \$48 million of the NCPD funds (over three years) and would need to commit \$12 million in match over those years.

A resolution pledging the \$12 million of match to assure the FHWA the matching funds are available may be required.

Motion --
-- carried

Knight moved that the grant application be approved and the Mayor be authorized to sign; and the Mayor be authorized to endorse the application being submitted by the I-35 Superhighway Coalition. Motion carried 7 to 0.

PROPERTY ACQUISITION

ACQUISITION OF PORTION OF PROPERTY LOCATED AT 4935 WEST CENTRAL (TRACT #5) FOR THE CENTRAL AVENUE IMPROVEMENT PROJECT FROM WEST STREET TO I-235. (District IV)

Agenda Report No. 99-015.

The Central Avenue Improvement Project from West Street to I-235 approved by Council on October 13, 1996, requires the partial acquisition of eleven tracts along Central Avenue. These tracts include Tract #5 which is owned by the Barbara D. Madison Family Trust Three.

The subject tract contains approximately 112.5 square feet and will not affect any improvement on the remaining property. Due to the small size of the taking, the value of the tract is minimal. Market studies of the area indicate a value of \$4.00 per square foot or \$450. The property owner has agreed to sell the property to the City for this amount.

The budget of \$500 includes \$450 for the acquisition and \$50 for closing costs. Prior expenditures to date have been \$6,450. The \$500 purchase would increase the total expenditures to date to \$6,950. This is the eighth acquisition for the project, leaving three properties to be acquired through negotiations or eminent domain.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the Mayor be authorized to sign the necessary documents.

COUNCIL PROCEEDINGS

Page 413

JOURNAL 167

JANUARY 5, 1999

PROPERTY ACQUISITION

ACQUISITION OF PORTION OF PROPERTY LOCATED AT SOUTHWEST CORNER OF CENTRAL AND FLORA (TRACT #7) FOR THE CENTRAL AVENUE IMPROVEMENT PROJECT FROM WEST STREET TO I-235.
(District IV)

Agenda Report No. 99-016.

The Central Avenue Improvement Project from West Street to I-235 approved by Council on October 13, 1996, requires the partial acquisition of eleven tracts along Central Avenue. These tracts include Tract #7 which is owned by Jo Ann Smith.

The subject tract contains approximately 112.5 square feet and will not affect any improvement on the remaining property. Due to the small size of the taking, the value of the tract is minimal. Market studies of the area indicate a value of \$4.00 per square foot or \$450. The property owner has agreed to sell the property to the City for \$650. This offer calculates to \$5.78 per square foot.

The budget of \$700 includes \$650 for the acquisition and \$50 for closing costs. The prior approved budget was \$5,750. The \$700 purchase would increase the total expenditures to date to \$6,450. This is the seventh acquisition for the project, leaving four properties to be acquired through negotiations or eminent domain.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the Mayor be authorized to sign the necessary documents.

PROPERTY ACQUISITION

ACQUISITION OF PORTION OF PROPERTY LOCATED AT SEVILLE AND KELLOGG FOR THE WEST KELLOGG/TYLER ROAD IMPROVEMENT PROJECT.
(District V)

Agenda Report No. 99-017.

In July 1993, the City Council approved an ordinance declaring Kellogg from 119th Street West to Mid-Continent Airport a major trafficway. In October of 1998, Staff was instructed to pursue opportunity purchases in the Kellogg corridor.

The owner of the tract of land located at Kellogg and Seville platted as the Davis Moore Twelfth Addition, K-DA, Inc., has expressed an interest in selling the property to the City. The site contains 6.87 acres and is platted and zoned LC, and has been granted a special use permit allowing it to be utilized for automobile sales.

The planned expansion of Kellogg will utilize approximately half of the site rendering it useless for the owner's intended use.

The owner has agreed to sell the property for \$1.380 million which equates to \$4.61 per square foot. Similar property in the area is being offered for from \$4 to \$6 per square foot without the special use permit which, according to local brokers, will add ten to fifteen percent to the value. Acquisition at this time will prevent development of the site and a higher improved cost when it is acquired later.

Funds have been budgeted for opportunity land acquisitions. Ordinance No. 43-310 authorized \$2.560 million for this purpose. To date, \$1,209,030 has been spent leaving a balance of \$1,530,970. The funding source will be Local Sales Tax revenues. A budget of \$1,385,000 is requested which includes \$5,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the Mayor be authorized to sign the necessary documents. Motion carried 7 to 0.

PROPERTY DISPOSITION

SURPLUS PROPERTY LOCATED AT THE SOUTHEAST CORNER OF KELLOGG AND OLIVER.

Agenda Report No. 99-018.

The property is located at the southeast corner of Kellogg and Oliver, and is more property legally described as follows:

Beginning at the SE corner of Reserve "A," Eilerts Addition, thence west along the south line of Reserve "A," a distance of 110 feet, said point being 20 feet east of the southwest corner of said Reserve "A;" thence north along a line parallel to the west line of said Reserve "A," a distance of 140 feet; thence east along a line parallel to the north line of said Reserve "A," a distance of 110 feet to a point on the east line of said Reserve "A;" thence south along the east line of said Reserve "A," a distance of 140 feet to the point of beginning, containing approximately 15,400 square feet, said described tract being retained as a public utility easement.

COUNCIL PROCEEDINGS

JOURNAL 167

JANUARY 5, 1999

The property was acquired by eminent domain in 1996 for the Kellogg Improvement project at Kellogg and Oliver. If declared surplus, the property will be offered for sale.

Motion --
-- carried

Knight moved that the property be declared as surplus and designated as available for sale. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCE: (First read December 22, 1998)

Z-3198 - located on the south side of 21st Street North, west of Webb Road.
(District II)

ORDINANCE NO. 44-129

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. Z-3198

PLANNING AGENDA

S/D 98-97

S/D 98-97 - PLAT OF RANGE INDUSTRIAL ADDITION LOCATED ON THE EAST SIDE OF 151ST STREET WEST, SOUTH OF KELLOGG.

Agenda Report No. 99=019.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

The site is zoned LI, Limited Industrial and located in the county within three miles of Wichita's boundary.

Motion --
-- carried

Knight moved that the plat be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, legal advice, and personnel matters of non-elected personnel, and the regular meeting be resumed no later than 11:00 a.m. in the City Council Chambers. Motion carried 7 to 0.

RECESS

Council recessed at 10:25 a.m. and reconvened in regular session at 11:05 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

(The City Council returned to take up Item No. 4 and action is shown with the Item in Agenda order.)

RECESS

The City Council recessed at 11:17 a.m. and reconvened at 7:00 p.m. at the East point church of Christ, 747 North 127th Street East.

Wichita, Kansas, January 5, 1999
Tuesday, 7:00 p.m.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Ferris, Gale, Rogers; present. Council Members Kamen, Lambke; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

COUNCIL PROCEEDINGS

Page 415

JOURNAL 167

JANUARY 5, 1999

Mayor Knight

Mayor Knight announced that the City Council was meeting to take up the following Item:

A 98-29

A 98-29 - THE CITY OF WICHITA SEEKS THE ANNEXATION OF LAND GENERALLY LOCATED NORTH AND SOUTH OF HARRY, BETWEEN WEBB ROAD AND 127TH STREET EAST. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-007.

On November 3, 1998 the City Council adopted a resolution that established January 5, 1999 at 7:00 p.m. at the East Point Church of Christ, 747 N. 127th St. East, Wichita, Kansas as the time and place for a public hearing for this annexation. The areas proposed for annexation are located north and south of Harry Street, between Webb Rd. and 127th Street East.

The area proposed for annexation is the first phase of a two-phase annexation. The area comprises approximately 319 acres and 168 properties (158 platted and 10 unplatted) containing 142 residential properties, 12 vacant properties, eight farm related properties, one church tract, one utility substation tract and four elementary school tracts. The land use pattern of the area proposed for annexation is a mix of single-family residential development, with several non-residential uses along Harry (utility substation) and 127th Street (Seltzer Elementary School). The majority of the area is zoned "SF-20" Single-Family Residential, with several tracts located at the arterial intersections zoned "LC" Limited Commercial in the typical 600 foot by 600 foot configuration. Those tracts zoned "SF-20" Single-Family Residential will convert to the "SF-6" Single-Family Residential district upon annexation, while the remaining tracts will remain as currently zoned. The properties proposed for annexation are located within the areas identified for new growth and "low-density residential" land uses in the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map.

Approximately 25-30 people attended the information meeting hosted by staff on December 14, 1998. Staff provided an overview of the area to be annexed along with the methods and reasons for the annexation.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements within phase I of this annexation is \$15,359,900, with a resulting initial annual City Ad Valorem tax revenue of approximately \$51,320.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The cost of municipal services to be provided upon annexation will be funded by the operating departments currently delivering these services. Major municipal services such as local street improvements, water and sewer service may be provided to this area upon request by the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefitting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map showing the properties affected and a notice of the public hearing were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on December 3, 1998. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a vote of (11-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

COUNCIL PROCEEDINGS

Page 416

JOURNAL 167

JANUARY 5, 1999

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Ed Dems Ed Dems said he hoped the streets would be kept clean of snow and ice.

Mr. Bohannon Mr. Bohannon said he had heard annexation would increase his property taxes by fifty percent and he did not feel the City had much to offer; however, if annexed, he would be a part of the "team."

Mayor Knight Mayor Knight explained that the City is trying to make economic and social sense out of the constant changes taking place in the community. Annexation is the right thing to do when certain circumstances, such as these, are present.

Dwight Allen Dwight Allen said the area at the northern portion of the annexation area is to have new drainage or a retention pond installed. With the new blacktop at Raytheon and additional new construction, there is more runoff going into the water retention areas further south.

Steve Lackey Director of Public Works said he and the Storm Water Utility engineer would visit with those concerned.

Dwight Allen Dwight Allen stated that he owned property at Greenwich between Kellogg and Harry and inquired as to how much of his property would be needed for widening Greenwich Road.

Steve Lackey Director of Public Works explained that it is 24.5' from the centerline of the roadway to the back of the curb.

David Warren Director of Water and Sewer, responding to a question from an unidentified speaker, said that, upon annexation, the extra fee for water service would cease for those in Windsor Park.

Jeannie Wayne Jeannie Wayne said the County has done a very good job of snow removal and that she would have to pay \$300 more per year in taxes and would receive fewer services.

Also mentioned were drainage problems because of the Tara Falls development. At Harry and 127th, after a big rain, water runs over the bridge. The County Commission has promised, but not carried out, correction of the drainage problems.

Steve Lackey Director of Public Works stated that Staff had met and talked about the drainage north of Harry and had discovered that it was on public land. Storm Water Management will look at the situation to see what it would take to clean out and try to solve some of the drainage problems.

Regulations for development in the City of Wichita do not allow more runoff after development than was present before the development.

Mrs. Brittain Mrs. Brittain said drainage is a big problem. The drainage across Harry causes problems and it is wondered whether the City will actually do anything about the problems.

Beverly Beverly (inaudible) said she hoped that when the drainage area is cleaned out, everything is not just bulldozed out. Some of the brush is a buffer from Harry Street.

Council Member Ferris Council Member Ferris said there were some real benefits to annexation of this area, one of the benefits being the drainage situation.

Motion -- Ferris moved that the public hearing be closed; the annexation be approved; and the Ordinance be placed on first reading. Motion carried 5 to 0. (Kamen, Lambke; absent)

-- carried

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 98-29

ADJOURNMENT

The City Council meeting adjourned at 7:45 p.m.

Pat Burnett
City Clerk

